

hearing rumors that the decision was imminent. Eckstein says that he reminded Babbitt that the Secretary had agreed at the outset of Eckstein's appearance in the matter that Eckstein would get an opportunity to bring his clients to see the Secretary before any adverse action, and the Secretary acknowledged that he had said as much. According to Eckstein, Babbitt's response was to say that he would have Duffy call Eckstein. Babbitt does not recall this conversation, and maintains that all he ever promised Eckstein was a chance for his clients to be heard at the Department before the decision was made.

The next day, Duffy called Eckstein at his office in Phoenix from an airplane telephone, and said that the Secretary had asked him to call Eckstein because Eckstein wanted a meeting. Duffy agreed to meet with Eckstein and Moody, and requested that they come to his office the next day, expressing urgency about the matter. Eckstein recalled that he had a full schedule and required travel time, so he asked for a meeting the next week. He said Duffy insisted that the meeting be that week. Eckstein and Duffy agreed upon a meeting that Friday, July 14, in Washington.

2. Eckstein and Moody Meet with Duffy on July 14, 1995

Eckstein, Havenick and Goff came to Washington by the evening of July 13 and met over dinner with Moody. They were expecting the worst, based upon the rumors they had heard and the urgency Eckstein had detected in his conversations with Babbitt and Duffy. Yet, Moody informed them that he had spoken to Duffy on July 13 and had gotten the impression that the Interior staff still had an open mind on the matter. Indeed, Moody recalled Duffy's saying that it